




# Why Fully Decriminalize Sex Work?

## Why Not Criminalize Buyers, or Legalize?

The movement to provide support and real safety to Black and Brown people in the sex trades is growing. Decriminalizing sex work removes the threats of arrest for engaging in sex work, police abuse, stigma, and obstacles to resources for many in the sex trades.

We fight for the “full decriminalization” of sex work, in which both selling and buying sexual services is decriminalized. Full decriminalization increases public health and safety, while decreasing stigma and barriers to resources. Sex workers tell us this, and the data shows it, too.

We only support full decriminalization of sex work, and here’s why:

Full Decriminalization 	Partial Criminalization 	Legalization 
<b>Eliminates criminal penalties associated with sex work and related activities or transactions</b>	<b>Removes criminal penalties for sex workers, but continues the criminalization of clients and organizing</b>	<b>Imposes a regulatory framework with laws regarding where, when, and how sex work could take place</b>
Reduces interactions between police and sex workers	Continues to require sex workers to avoid the police	New system, similar issues: leads to a two-tiered system of “legal” and “illegal” sex workers
Reduces stigma by acknowledging sex work is work	Becomes a “buyer’s market” and can require take more risks to protect buyers and they may be exposed to more violent clients	Continues barriers to safety and resources for those outside the legal framework
Increases safety by better enabling client screening, negotiation, cooperation with third parties for safety and transportation	Increases isolation, making it difficult to have a community and social network on the stroll	Provides allocated resources to law enforcement and other government agencies to regulate consensual, private behavior
Betters public health outcomes, including decreased risk of HIV and other STIs	Continuing criminalization of clients often still has discriminatory effect, disproportionately impacting Black and brown folks	Requires sex workers to keep up with registration fees, costs, and licences, which can be difficult for people with little money and resources

## Full Decriminalization Increases Safety and Reduces Harmful Interactions with the Police.

Full decriminalization removes the threat of criminalization from sexual exchange, which makes sex workers better able to screen and negotiate with clients and to work in ways that are safest for themselves. After full decriminalization in New Zealand, sex workers reported increased likelihood of reporting a bad incident and 61.9 percent of street-based sex workers reported increased ability to refuse a client.<sup>1</sup>

Partial decriminalization maintains criminal penalties for clients, meaning that police will continue to target the stalls. Further, police themselves are often the initiators of violence and harassment for sex workers. In DC, 1 in 5 sex workers reported being approached by the police for sexual exchange.<sup>2</sup> After Vancouver police starting prioritizing enforcement of laws against clients and third parties over arrest of sex workers, studies found no decrease in physical and sexual violence towards sex workers and an increase in rushed client negotiations.<sup>3</sup>

## Full Decriminalization Combats Trafficking.

The decriminalization of adult consensual sex work does not impact existing federal or local criminal penalties for trafficking. In fact, because sex workers are often best positioned to identify trafficking victims, the decriminalization of sex work and coinciding increase in access to resources better positions victims of trafficking to come forward and leave these coercive situations.<sup>4</sup> In 2019, Mexico City decriminalized sexual exchange as an anti-trafficking measure,<sup>5</sup> and anti-trafficking organizations, like Freedom Network,<sup>6</sup> have publically supported sex work decriminalization.

Sex workers are often best positioned to identify trafficking. Current laws criminalizing everyone—including those assisting folks in the sex trade with housing, security, and transportation—limit one's ability to leave the industry and disproportionately impacts communities already facing discrimination.

## Full Decriminalization Recognizes that Sex Work is Work.

Full decriminalization centers the rights and safety of people engaged in sexual exchange. Importantly, this includes allowing sex workers to work indoors and to organize and work together for safety, security, transportation or other reasons. Real autonomy means sex workers are better able to construct a safer work environment.

Partial decriminalization is premised on the erasure of sex work, and so reinforces stigmatization of those involved with sex work.

## Full Decriminalization Increases Access to Necessary Resources.

Criminalization of sex work has a greater negative impact on communities already facing discrimination, including communities of color, gender nonconforming and non-binary people, members of the LGBTQ+ community, people with disabilities, immigrants, and people with criminal convictions. Many turn to sex work to survive after experiencing discrimination or abuse and being denied access to employment, housing, and healthcare. Full decriminalization of sex work removes some barriers to resources and increases access to alternative employment while reducing incarceration among Black women. Criminalization serves as a key barrier to essential health services due to fear that seeking health care could lead to negative legal consequences or harassment. Global models suggest that decriminalizing sex work could lead to a 33 to 46 percent reduction in incidences of HIV acquisition among sex workers over the next 10 years.<sup>7</sup>

Meanwhile, partial decriminalization maintains criminal penalties for clients or buyers (sometimes called “johns”), push sex work further underground, and reinforce barriers to the health and safety of sex workers. Similarly, legalization creates barriers to “legal” participation, creating a “two-tiered” system in which those most impacted by current criminalization face many of the same issues.

<sup>1</sup> Gillian Abel et al., *The Impact of the Prostitution Reform Act On Health and Safety Practices of Sex Workers* (Nov. 2007), <https://www.otago.ac.nz/christchurch/otago018607.pdf>.

<sup>2</sup> *Move Along: Policing Sex Work in Washington, D.C.*, Different Avenues (2008), <https://dctranscoalition.files.wordpress.com/2010/05/movealongreport.pdf>.

<sup>3</sup> Lucy Platt et al., *Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies*, 15 PLOS Med. (Dec. 11, 2018), <https://doi.org/10.1371/journal.pmed.1002680>.

<sup>4</sup> Erin Albright & Kate D'Adamo, *Decreasing Human Trafficking through Sex Work Decriminalization*, 19 AMA J. Ethics 122 (2017), <https://journalofethics.ama-assn.org/article/decreasing-human-trafficking-through-sex-work-decriminalization/2017-01>.

<sup>5</sup> Christine Murray, *Mexico City to Decriminalize Sex Work, Eyes Steps to Cut Trafficking*, Reuters (June 2, 2019), <https://www.reuters.com/article/us-mexico-sexwork-trafficking/mexico-city-to-decriminalize-sex-work-eyes-steps-to-cut-trafficking-idUSKCNIT30OM>.

<sup>6</sup> Freedom Network USA supports Amnesty International's call to Decriminalize Sex Work, Freedom Network USA (May 26, 2016), <https://freedomnetworkusa.org/freedom-network-usa-supports-amnesty-internationals-call-to-decriminalize-sex-work/>.

<sup>7</sup> C. Beyrer et al., *An action agenda for HIV and sex workers*, 385 The Lancet 287 (2015), <https://www.ncbi.nlm.nih.gov/pubmed/25059950>.